

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

|   |   |                            |
|---|---|----------------------------|
| Stephen Plough,                                     | ) |                            |
|   | ) |                            |
| Plaintiff,  | ) |                            |
|   | ) |                            |
| vs.   | ) | Case No. 8:16-cv-02325-TLW |
|   | ) |                            |
| Holly Scaturro, Director; Mrs. Kimberly, Pohlchuk,  | ) |                            |
| B.M.C. Program Director; Ms. Cynthia Helff,         | ) |                            |
| B.M.C.; Dr. Kelly Gothard; Dr. Gordon Brown,        | ) |                            |
| Psychologist; Dr. Rozanna Trass, Psychologist; Dr.  | ) |                            |
| Amy Swan, Psychologist; Ms. Marie Gehle,            | ) |                            |
| Evaluator; Dr. Donna Schwartz-Watts,                | ) | <b>ORDER</b>               |
| Psychologist; Capt. Frank Abney, P.S.O. Supervisor; | ) |                            |
| Mr. Galen Sanders, Chief Nursing Administrator;     | ) |                            |
| Mr. Harold Alexander, R.N.; Ms. Charlene            | ) |                            |
| Hickman, R.N.; Dr. John McGill, Director of         | ) |                            |
| Department of Mental Health; Mr. Allen Wilson,      | ) |                            |
| Attorney General,                                   | ) |                            |
|   | ) |                            |
| Defendants.   | ) |                            |
|   | ) |                            |

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Plaintiff Stephen Plough, proceeding *pro se* and *in forma pauperis*, filed this civil action pursuant to 42 U.S.C. § 1983 on June 27, 2016. ECF No. 1. Defendant Attorney General Alan Wilson filed a Motion to Dismiss on September 9, 2016. ECF No. 21. On that same day, Plaintiff was advised that if he failed to respond, this action would be dismissed. ECF No. 23. Thereafter, some, but not all, of the Defendants<sup>1</sup> filed an Answer denying the claims in the Complaint. ECF No. 25. Notably, on September 28, 2016, Plaintiff also filed a Motion to Dismiss. ECF No. 33. Some, but not all, of the Defendants<sup>2</sup> filed a response to Plaintiff's motion stating that they consented to dismissal, ECF No. 38, and on December 22, 2016, they also filed a motion for an

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<sup>1</sup> Defendants Scaturro, Pohlchuk, Helff, Gothard, Brown, Trass, Gehle, Schwartz, Abney, Sanders, Alexander, and Magill filed an Answer. ECF No. 25.

<sup>2</sup> Filers include Defendants Scaturro, Pohlchuk, Helff, Gothard, Brown, Trass, Gehle, Schwartz, Abney, Sanders, Alexander, and Magill. ECF Nos. 38, 51.

extension of time to file if the Plaintiff's motion to dismiss was not granted, ECF No. 51. On October 6, 2016, Defendant Amy Swan filed a Motion to Dismiss. ECF No. 35.

This matter now comes before the Court for review of the Report and Recommendation ("the Report") filed by United States Magistrate Judge Jacquelyn D. Austin, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d), (D.S.C.). ECF No. 47. In the Report, the Magistrate Judge recommends that the Complaint be dismissed pursuant to Federal Rule of Civil Procedure 41(a)(2). *Id.* Objections were due on December 22, 2016, however, the parties failed to file objections to the Report.

This Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge's Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that Report. 28 U.S.C. § 636. In the absence of objections to the Report, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Report and relevant filings. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation, ECF No. 47, is **ACCEPTED**, Plaintiff's Motion to Dismiss, ECF No. 33, is **GRANTED**, and this action is **DISMISSED** pursuant to Federal Rule of Civil Procedure 41(a)(2). The remaining outstanding motions, Defendant Wilson's Motion to Dismiss, ECF No. 21, Defendant Swan's Motion to Dismiss, ECF No. 35, and the Defendants' Motion for Extension of Time to File, ECF No. 51, are hereby deemed **MOOT**.

**IT IS SO ORDERED.**

December 28, 2016  
Columbia, South Carolina

s/Terry L. Wooten  
Chief United States District Judge